

Summary Instructions for Writs of Garnishment

For the Judgment Creditor (Plaintiff)

1. Complete the Application for Writ of Garnishment form.
2. Complete the correct Writ of Garnishment form.
3. Complete the caption (top half of the first page) for the correct Answers to Interrogatories form.
4. Complete the caption for the Reply and two copies of the Request for Hearing form.
5. Attach a check to the garnishee for \$10 for a single garnishment or \$25 for a continuing garnishment.
6. Attach a check to the sheriff or constable for the service fee.
7. Attach a check to the court for \$35 for the filing fee.
8. File all forms and checks with the clerk of the court.
9. Attend any hearings that are scheduled.

For the Judgment Debtor (Defendant)

1. Read the Notice of Garnishment and Exemptions form.
2. Determine whether you qualify for any exemptions.
3. If you want to claim an exemption, challenge the garnishee's answers to the interrogatories, challenge issuance of the writ, or claim a set-off for a debt owed to you by the creditor, file and serve the Reply and Request for Hearing form.
4. Attend any hearings that are scheduled.

For the Garnishee (Holder of debtor's property, such as a bank or employer)

1. Read the Writ of Garnishment and Instructions.
2. Complete the Answers to the Interrogatories form.
3. Employers, visit the Utah courts' web site at www.utcourts.gov to decide whether it is easier to complete the Answers to the Interrogatories on-line or in paper form. Follow the links to Resources/Court Forms/Garnishment Forms/Employer's Answers to Interrogatories.
4. Withhold from the defendant the property shown by your answers to be subject to garnishment.
5. File and serve your Answers to the Interrogatories and other forms.
6. Withhold the property for 20 calendar days.
7. If you receive a Reply and Request for Hearing form, continue to withhold the property until instructed by the court.
8. If you do not receive a Reply and Request for Hearing form, deliver the property to the plaintiff or plaintiff's attorney or as otherwise instructed in the Writ of Garnishment.
9. You must attend any hearing for which you are subpoenaed. You may attend any other hearings that are scheduled.

(Party or Attorney Name)

(Address)

(City, State, Zip)

(Telephone)

(Bar Number of Attorney)

District Justice Court of the State of Utah

Judicial District

County

City

Court Address: _____

Plaintiff,

v.

Defendant.

Application for Writ of Garnishment

Case Number: _____

Judge: _____

1. I am the ☐ judgment creditor.
☐ attorney for the judgment creditor.

2. I request that a
☐ Writ of Garnishment
☐ Writ of Continuing Garnishment
☐ Writ of Continuing Garnishment for child support

be issued and served upon each of the garnishees named below, along with an Answers to Interrogatories form, Notice of Garnishment and Exemptions form, and two copies of the Reply and Request for Hearing form.

3. The total judgment is for \$_____ of which \$_____ is due.

4. The judgment debtor is:

Name:

Address:

Social security number (Last 4 digits only, if known):

Driver's license number and state of issuance (if known):

Date of birth (if known):

5. I believe that the following persons hold property of the judgment debtor.

Name, address, phone number of person holding property	Description of property (including location and account number)	Estimated value of property	Is the property earnings?

5. I believe that the following persons may claim an interest in the property, (Include name, address, and phone number.) and I request that the Writ of Garnishment be

served upon each, along with a Notice of Garnishment and Exemptions form, and two copies of the Reply and Request for Hearing form:

Name of person claiming property interest	Address	Phone number

7. ☐ I have attached to this application

☐ I will attach before serving the garnishee
the garnishee fee established by Utah Code Section 78-7-44.

Printed Name

Signature of the

☐ judgment creditor.

☐ attorney for the judgment creditor

(Party or Attorney Name)

(Address)

(City, State, Zip)

(Telephone)

(Bar Number of Attorney)

District Justice Court of the State of Utah

Judicial District

County

City

Court Address: _____

Plaintiff,

v.

Defendant.

Writ of Garnishment and Instructions

Case Number: _____

Judge: _____

The _____ court of the state of Utah to (name) _____,
garnishee, at (address) _____:

1. Under Utah Code Section 78-7-44, the plaintiff should have included with this Writ of Garnishment a fee to you of \$10. If the fee was not included, sign here and return the forms to the plaintiff (or plaintiff's attorney). _____

2. A judgment for \$_____ has been entered against the defendant, and the defendant still owes \$_____. Papers filed with the court show that you may possess or control some of the defendant's property. (Property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. You are the garnishee, (holder of the property) and you are required to take certain steps to deliver the property or to hold and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.

3. The judgment debtor is:

Name:_____

Address:_____

Social security number (Last 4 digits only, if known):_____

Driver's license number and state of issuance (if known):_____

Date of birth (if known):_____

(4) Within 7 business days after this writ is served on you, you must:

(A) answer the attached Interrogatories under oath or affirmation;

(B) file with the clerk of the court your original Answers to the Interrogatories.

(C) serve a copy of your Answers to the Interrogatories on the plaintiff (or plaintiff's attorney);

(D) serve a copy of the following papers on the defendant and on any other person shown by your records to have an interest in the property. The papers to be served are:

- one copy of this Writ of Continuing Garnishment;
- one copy of your Answers to the Interrogatories;
- one copy of the Notice of Garnishment and Exemptions form; and

- two copies of the Reply and Request for Hearing form.

(5) You may serve the court, the plaintiff (or plaintiff's attorney), the defendant and any other person by hand delivery or by first class mail. The address of the clerk of court and plaintiff (or plaintiff's attorney) are at the top of the first page of this writ.

(6) What to do with the property.

(A) You are to withhold from the defendant the amount shown in your Answers to the Interrogatories. You are to hold the property for 20 calendar days after you serve the defendant.

(B) If you do not receive from the defendant a Reply and Request for Hearing within 20 days after serving the defendant, you are to deliver the property to the plaintiff (or plaintiff's attorney). You are then relieved from any liability unless it is shown that your Answers to the Interrogatories are incorrect. **DO NOT SEND THE PROPERTY TO THE COURT.**

(C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.

(7) If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.

(8) You may deliver to the defendant in the normal course any property greater than you are required to withhold.

(9) Multiple Writs of Garnishment for the same defendant may be served on you, but only one Writ of Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Garnishment expires or is satisfied, you must then satisfy the next writ. However, a Writ of Continuing Writ of Garnishment and Instructions

Form approved: April 15, 2005

Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first. Also, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues indefinitely until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by other courts or governmental agencies.

Clerk of the Court

Date: _____

By: _____

Deputy Clerk

(Party or Attorney Name)

(Address)

(City, State, Zip)

(Telephone)

(Bar Number of Attorney)

District Justice Court of the State of Utah

Judicial District

County

City

Court Address: _____

Plaintiff,

v.

Defendant.

Writ of Continuing Garnishment and
Instructions

Judgment for ☐ Child support

☐ Other

Case Number: _____

Judge: _____

The _____ court of the state of Utah to (name) _____,
garnishee, at (address) _____:

1. Under Utah Code Section 78-7-44, the plaintiff should have included with this Writ of Garnishment a fee to you of \$25. If the fee was not included, sign here and return the forms to the plaintiff (or plaintiff's attorney). _____

Writ of Continuing Garnishment and
Instructions

Form approved: April 15, 2005

2. A judgment for \$_____ has been entered against the defendant, and the defendant still owes \$_____. Papers filed with the court show that you may possess or control some of the defendant's property. (Property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. You are the garnishee, (holder of the property) and you are required to take certain steps to deliver the property or to hold and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.

3. The judgment debtor is:

Name:_____

Address:_____

Social security number (Last 4 digits only, if known):_____

Driver's license number and state of issuance (if known):_____

Date of birth (if known):_____

4. Within 7 business days after this writ is served on you, you must:

(A) answer the attached Interrogatories under oath or affirmation;

(B) file with the clerk of the court your original Answers to the Interrogatories.

(C) serve a copy of your Answers to the Interrogatories on the plaintiff (or plaintiff's attorney);

(D) serve a copy of the following papers on the defendant and on any other person shown by your records to have an interest in the property. The papers to be served are:

➤ one copy of this Writ of Continuing Garnishment;

- one copy of your Answers to the Interrogatories;
- one copy of the Notice of Garnishment and Exemptions form; and
- two copies of the Reply and Request for Hearing form.

5. You may serve the court, the plaintiff (or plaintiff's attorney), the defendant and any other person by hand delivery or by first class mail. The address of the clerk of court and plaintiff (or plaintiff's attorney) are at the top of the first page of this writ.

6. There are two sets of Answers to the Interrogatory forms: one for the initial pay period and one for subsequent pay periods.

(A) If the defendant's earnings are the same for every pay period, you may copy your answers for the initial pay period and re-submit them for subsequent pay periods.

(B) If the defendant's earnings change from one pay period to the next, you may use the Answers to Interrogatories for Subsequent Pay Period form, which is shorter than the first. If you have been served with only one copy of the Answers to Interrogatories for Subsequent Pay Periods form, you should make additional blank copies before completing it.

(C) If you are an employer who is garnishing earnings, the Utah courts have prepared an interactive worksheet that will calculate the amount to be withheld and prepare an Answers to the Interrogatories form ready for filing. To use the worksheet, go to the Utah courts' web site at www.utcourts.gov. Follow the links to Resources/Court Forms/Garnishment Forms/Employer's Answers to Interrogatories.

7. This Writ of Continuing Garnishment is effective for 120 calendar days after the date on which it was served on you or 120 calendar days after the date of expiration of an earlier writ, whichever is later. Within 7 business days after the close of each pay period occurring within that time, you are required to:

- (A) answer the attached Interrogatories under oath or affirmation;
- (B) serve a copy of your Answers to the Interrogatories on the plaintiff (or plaintiff's attorney); the defendant and on any other person shown by your records to have an interest in the property; and
- (C) file with the clerk of the court your original Answers to the Interrogatories.

8. What to do with the property for the initial and subsequent pay periods:

(A) You must withhold from the defendant the amount shown in your Answers to the Interrogatories. You must hold the property for 20 calendar days after you serve the defendant.

(B) If you do not receive a Reply and Request for Hearing within 20 days after serving the defendant, you must deliver the property to the plaintiff (or plaintiff's attorney). You are then relieved from any liability unless your answers are incorrect. **DO NOT SEND THE MONEY TO THE COURT.**

(C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.

9. If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.

10. You may deliver to the defendant in the normal course any property greater than you are required to withhold.

11. You may be served with more than one Writ of Continuing Garnishment for the same defendant, but only one Writ of Continuing Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Continuing Garnishment expires or is satisfied, you must then satisfy the next

writ. However, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services takes precedence over other writs and must be satisfied first. Also, a Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services continues indefinitely until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by courts of other states or governmental agencies.

Clerk of the Court

Date: _____

By: _____

Deputy Clerk

(Party or Attorney Name)

(Address)

(City, State, Zip)

(Telephone)

(Bar Number of Attorney)

District Justice Court of the State of Utah

Judicial District

County

City

Court Address: _____

Plaintiff,

v.

Defendant.

Writ of Continuing Garnishment for ORS or
DWS and Instructions

Judgment for ☐ Child support

☐ Other

Case Number: _____

Judge: _____

The _____ court of the state of Utah to (name) _____,
garnishee, at (address) _____:

1. Under Utah Code Section 78-7-44, the plaintiff should have included with this Writ of Garnishment a fee to you of \$25. If the fee was not included, sign here and return the forms to the plaintiff (or plaintiff's attorney). _____

Writ of Continuing Garnishment for ORS or
DWS and Instructions

Form approved: April 15, 2005

2. A judgment for \$_____ has been entered against the defendant, who still owes \$_____. Papers filed with the court show that you may possess or control some of the defendant's property. (Property includes real and personal property. Property includes money, including earnings not yet paid.) The property is being garnished (seized) in order to pay the judgment. You are the garnishee, (holder of the property) and you must take certain steps to deliver the property or to hold it and protect it. You may be held liable if you fail to do so. You should keep for your records a copy of everything that you prepare and everything that is served on you.

3. The judgment debtor is:

Name:_____

Address:_____

Social security number (Last 4 digits only, if known):_____

Driver's license number and state of issuance (if known):_____

Date of birth (if known):_____

(4) Within 7 business days after this writ is served on you, you must:

(A) answer the attached Interrogatories under oath or affirmation;

(B) file with the clerk of the court your original Answers to the Interrogatories.

(C) serve a copy of your Answers to the Interrogatories on the plaintiff (or plaintiff's attorney);

(D) serve a copy of the following papers on the defendant and on any other person shown by your records to have an interest in the property. The papers to be served are:

- one copy of this Writ of Continuing Garnishment;
- one copy of your Answers to the Interrogatories;

- one copy of the Notice of Garnishment and Exemptions form; and
- two copies of the Reply and Request for Hearing form.

(5) You may serve the court, the plaintiff (or plaintiff's attorney), the defendant and any other person by hand delivery or by first class mail. The address of the clerk of court and plaintiff (or plaintiff's attorney) are at the top of the first page of this writ.

(6) There are two sets of Answers to the Interrogatory forms: one for the initial pay period and one for subsequent pay periods.

(A) If the defendant's earnings are the same for every pay period, you may copy your answers for the initial pay period and re-submit them for subsequent pay periods.

(B) If the defendant's earnings change from one pay period to the next, you may use the Answers to Interrogatories for Subsequent Pay Period form, which is shorter than the first. If you have been served with only one copy of the Answers to Interrogatories for Subsequent Pay Periods form, you should make additional blank copies before completing it.

(C) If you are an employer who is garnishing earnings, the Utah courts have prepared an interactive worksheet that will calculate the amount to be withheld and prepare an Answers to the Interrogatories form ready for filing. To use the worksheet, go to the Utah courts' web site at www.utcourts.gov. Follow the links to Resources/Court Forms/Garnishment Forms/Employer's Answers to Interrogatories.

(7) This Writ of Continuing Garnishment is effective when served on you and remains in effect until fully satisfied. Within 7 business days after the close of each pay period during that time, you must:

- (A) answer the attached Interrogatories under oath or affirmation;

(B) serve a copy of your Answers to the Interrogatories on the plaintiff (or plaintiff's attorney); the defendant; and on any other person shown by your records to have an interest in the property; and

(C) file with the clerk of the court your original Answers to the Interrogatories.

(8) What to do with the property for the initial and subsequent pay periods:

(A) You must withhold from the defendant the amount shown in your Answers to the Interrogatories. You must hold the property for 20 calendar days after you serve the defendant.

(B) If you do not receive a Reply and Request for Hearing within 20 days after serving the defendant, you must deliver the property to the plaintiff (or plaintiff's attorney). You are then relieved from any liability unless your answers are incorrect. **DO NOT SEND THE MONEY TO THE COURT.**

(C) If you do receive a Reply and Request for Hearing, you must hold the property until you receive further orders from the court directing you how to proceed.

(9) If you fail to take these steps, the court may hold you liable for the value of the property you should have withheld.

(10) You may deliver to the defendant in the normal course any property greater than you are required to withhold.

(11) You may be served with more than one Writ of Continuing Garnishment for the same defendant, but only one Writ of Continuing Garnishment may be in effect at one time. You must satisfy the writs in the order in which they are served. When an earlier Writ of Continuing Garnishment expires or is satisfied, you must then satisfy the next writ. However, this is a Writ of Continuing Garnishment in favor of the Office of

Recovery Services or the Department of Workforce Services. It takes precedence over other writs and must be satisfied first. Also, this Writ of Continuing Garnishment continues indefinitely until fully satisfied, placing earlier writs on hold. These instructions do not apply to writs or orders entered by courts of other states or governmental agencies.

Clerk of the Court

Date: _____

By: _____

Deputy Clerk

(Garnishee Name)

(Address)

(City, State, Zip)

(Telephone)

District Justice Court of the State of Utah

_____ Judicial District

_____ County

_____ City

Court Address: _____

_____,
Plaintiff,

v.

_____,
Defendant.

Garnishee's answers to interrogatories for
property other than earnings.

Case Number: _____

Judge: _____

Write your answers in the spaces provided. Attach additional sheets, if necessary.

1. Do you possess or control any property in which defendant has an interest?
(Property includes real and personal property, including money.)

ANSWER: Yes _____ No _____

2. If yes, explain in the table below.

ANSWER:

Description of the property	Nature of defendant's interest in the property	The property is due to the defendant on: (date)	Value of defendant's interest in the property
Total*			

(*Unless you deduct an amount under paragraph (3), this total is the amount you must withhold from the defendant. You should handle the property as directed in the Writ of Garnishment.)

3. You may deduct from the amount to be withheld money owed to you by the defendant or the plaintiff, if the amount is not disputed. If you make this deduction, state the amount deducted and the name of the person indebted to you.

ANSWER: Amount deducted: \$_____

Person indebted to you: _____

4. Do you know about any of the defendant's other property or other debts to defendant?

ANSWER: Yes _____ No _____

5. If yes, explain in the table below.

ANSWER:

Description of property	Name and address of person with possession	Nature and value of defendant's interest

6. I served a copy of these Answers to Interrogatories on the **plaintiff** (or plaintiff's attorney) by:

☐ first class mail

☐ by hand delivery

to (address)_____.

on (date)_____.

7. I served a copy of the Writ of Garnishment, these Answers to Interrogatories, Notice of Garnishment and Exemptions form, and two copies of the Reply and Request for Hearing form on the **defendant** by:

☐ first class mail

☐ by hand delivery

to (address)_____.

on (date)_____.

8. I served a copy of the Writ of Garnishment, these Answers to Interrogatories, Notice of Garnishment and Exemptions form, and two copies of the Reply and Request for Hearing form upon the **following persons other than the defendant shown by my records to have an interest in the property** by:

Garnishee's answers to interrogatories for
property other than earnings

Form approved October 15, 2004

☐ first class mail

☐ by hand delivery

to (name)_____.

to (address)_____.

on (date)_____.

9. I swear or affirm that the above statements are true to the best of my information and belief.

Printed Name

Signature of the

☐ garnishee

☐ garnishee's authorized agent

NOTARY CLAUSE

_____ is personally known to me or presented satisfactory proof of identity to me. After being sworn and while under oath, _____ stated that he or she was acting voluntarily, had read and understood the preceding document, and that the contents were true. _____ then signed the document in my presence.

Signed on _____, 20____.

(Notary Seal)

(Garnishee Name)

(Address)

(City, State, Zip)

(Telephone)

District Justice Court of the State of Utah

Judicial District

County

City

Court Address: _____

Plaintiff,

v.

Defendant.

Garnishee's answers to interrogatories for
continuing garnishment. Initial pay period.

Case Number: _____

Judge: _____

Write your answers in the spaces provided and attach additional sheets if necessary.

1. Are there any other Writs of Continuing Garnishment in effect?

ANSWER: Yes _____ No _____

2. If yes, when will the last of them expire?

ANSWER: _____

3. What is the pay period to which these answers relate:

Garnishee's answers to interrogatories for
continuing garnishment. Initial pay period.

Form approved: April 15, 2005

ANSWER:

Start date: _____

End date: _____.

4. Is the Writ of Continuing Garnishment in effect on the last day of this period? (The Writ is in effect for 120 days after the date of service on you or for 120 days after the date the previous writ expired, whichever is later. A Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services is effective when served on you and continues indefinitely until fully satisfied.)

ANSWER: Yes _____ No _____

5. (A) Do you pay the defendant money on a periodic basis?

ANSWER: Yes _____ No _____

(B) What is the pay period?

ANSWER: Weekly ____; Biweekly ____; Semi-monthly ____; Monthly ____; Other ____.

(C) What is the next pay date?

ANSWER: _____

(D) What is the regular pay date?

ANSWER: _____

(6) Calculate, in the table, the amount to be withheld from the defendant. Assume you are calculating this on the last day of the pay period for which these answers apply.

ANSWER:

(1) Gross earning from all sources payable to the defendant for personal services, including salary, wages, tips, commissions, bonuses, per diem, etc.	\$
(2) Deductions required by law.	
(A) Federal income tax	\$
(B) State income tax	\$
(C) Social security tax (FICA)	\$
(D) Medicare tax (FICA)	\$
(E) Other amounts required by law to be deducted. (Please describe reason for deduction.)	\$
(3) Total deductions. Calculate and record the sum of Lines (2)(A) through (2)(E).	\$
(4) Disposable earnings. Calculate and record Line (1) minus Line (3).	\$
(5) Calculate:	
(A) 25% of the amount in Line (4); or, if this is a judgment for child support, 50% of the amount in Line (4).	\$
(B) The difference between Line (4) and the federal minimum hourly wage (\$5.15) times 30 times the number of weeks in this pay period. For example: Line (4) minus (\$5.15 X 30 X 2 weeks) OR Line (4) minus (\$5.15 X 30 X 4.28 weeks)	\$
(6) Of Line (5)(A) and Line (5)(B), record the lesser amount.	\$
(7) Amount of any income withholding order.	\$
(8) Calculate and record Line (6) minus Line (7)	\$
(9) Amount deducted for an undisputed debt owed to you by the (check one or both): <input type="checkbox"/> plaintiff <input type="checkbox"/> defendant.	\$
(10) Total amount to be withheld. (Calculate and record Line (8) minus Line (9).)	\$

Note: Do not withhold more than the balance the defendant owes on the judgment.
You may contact the plaintiff or plaintiff's attorney to obtain the outstanding balance.

7. Do you possess or control any other property or money in which the defendant has an interest?

ANSWER: Yes _____ No _____

8. If yes, explain in the table below.

ANSWER:

Description of the property	Nature of defendant's interest in the property	The property is due to the defendant on: (date)	Value of defendant's interest in the property
Total			

(Add this amount to the amount calculated in the table for Question 6. You should handle the property as directed in the Writ of Garnishment.)

9. Do you know of any other employment, income or income-producing activities of the defendant?

ANSWER: Yes _____ No _____

10. If yes, explain in the space below.

ANSWER:

11. Do you know about any of the defendant's other property or other debts to defendant?

ANSWER: Yes _____ No _____

12. If yes, explain in the table below.

ANSWER:

Description of property	Name and address of person with possession	Nature and value of defendant's interest

13. I served a copy of these Answers to Interrogatories on the **plaintiff** (or plaintiff's attorney) by:

☐ first class mail

☐ by hand delivery

to (address)_____.

on (date)_____.

14. I served a copy of the Writ of Garnishment, these Answers to Interrogatories, Notice of Garnishment and Exemptions form, and two copies of the Reply and Request for Hearing form on the **defendant** by:

☐ first class mail

☐ by hand delivery

to (address) _____.
on (date) _____.

15. I served a copy of the Writ of Garnishment, these Answers to Interrogatories, Notice of Garnishment and Exemptions form, and two copies of the Reply and Request for Hearing form upon the **following persons other than the defendant shown by my records to have an interest in the property** by:

- ☐ first class mail
- ☐ by hand delivery

to (name) _____.
to (address) _____.
on (date) _____.

16. I swear or affirm that the above statements are true to the best of my information and belief.

Printed Name

Signature of the

- ☐ garnishee
- ☐ garnishee's authorized agent

NOTARY CLAUSE

_____ is personally known to me or presented satisfactory proof of identity to me. After being sworn and while under oath, _____ stated that he or she was acting voluntarily, had read and understood the preceding

document, and that the contents were true. _____ then signed
the document in my presence.

Signed on _____, 20____.

(Notary Seal)

(Garnishee Name)

(Address)

(City, State, Zip)

(Telephone)

District Justice Court of the State of Utah

Judicial District

County

City

Court Address: _____

_____,
Plaintiff,

v.

_____,
Defendant.

Garnishee's answers to interrogatories for
continuing garnishment. Subsequent pay
periods.

Case Number: _____

Judge: _____

Write your answers in the spaces provided. Attach additional sheets, if necessary.

1. What is the pay period to which these answers relate?

ANSWER:

Start date: _____.

End date: _____.

2. Is the Writ of Continuing Garnishment in effect on the last day of this period? (The Writ is in effect for 120 days after the date of service on you, or for 120 days after the date the previous writ expired, whichever is later. A Writ of Continuing Garnishment in favor of the Office of Recovery Services or the Department of Workforce Services is effective when served on you and continues indefinitely until fully satisfied.)

ANSWER: Yes _____ No _____

(3) Calculate, in the table, the amount to be withheld from the defendant. Assume you are calculating this on the last day of the pay period for which these answers apply.

ANSWER:

(1) Gross earning from all sources payable to the defendant for personal services, including salary, wages, tips, commissions, bonuses, per diem, etc.	\$
(2) Deductions required by law.	
(A) Federal income tax	\$
(B) State income tax	\$
(C) Social security tax (FICA)	\$
(D) Medicare tax (FICA)	\$
(E) Other amounts required by law to be deducted. (Please describe reason for deduction.)	\$
(3) Total deductions. Calculate and record the sum of Lines (2)(A) through (2)(E).	\$
(4) Disposable earnings. Calculate and record Line (1) minus Line (3).	\$
(5) Calculate:	
(A) 25% of the amount in Line (4); or, if this is a judgment for child support, 50% of the amount in Line (4).	\$
(B) The difference between Line (4) and the federal minimum hourly wage (\$5.15) times 30 times the number of weeks in this pay period. For example: Line (4) minus (\$5.15 X 30 X 2 weeks) OR Line (4) minus (\$5.15 X 30 X 4.28 weeks)	\$
(6) Of Line (5)(A) and Line (5)(B), record the lesser amount.	\$

Garnishee's answers to interrogatories for continuing garnishment. Subsequent pay periods.

Form approved: April 15, 2005

(7) Amount of any income withholding order.	\$
(8) Calculate and record Line (6) minus Line (7)	\$
(9) Amount deducted for an undisputed debt owed to you by the (check one or both): <input type="checkbox"/> plaintiff <input type="checkbox"/> defendant.	\$
(10) Total amount to be withheld. (Calculate and record Line (8) minus Line (9).)	\$

Note: Do not withhold more than the balance the defendant owes on the judgment. You may contact the plaintiff or plaintiff's attorney to obtain the outstanding balance.

4. I served these Answers to Interrogatories on the **plaintiff** (or plaintiff's attorney) by:

☐ first class mail

☐ by hand delivery

to (address)_____.

on (date)_____.

5. I served a copy of these Answers to Interrogatories on the **defendant** by:

☐ first class mail

☐ by hand delivery

to (address)_____.

on (date)_____.

6. I have served a copy of the these Answers to Interrogatories on the **following persons other than the defendant shown by my records to have an interest in the property** by:

☐ first class mail

☐ by hand delivery

Garnishee's answers to interrogatories for continuing garnishment. Subsequent pay periods.

Form approved: April 15, 2005

to (name)_____.

to (address)_____.

on (date)_____.

7. I swear or affirm that the above statements are true to the best of my information and belief.

Printed Name

Signature of the

☐ garnishee

☐ garnishee's authorized agent

NOTARY CLAUSE

_____ is personally known to me or presented satisfactory proof of identity to me. After being sworn and while under oath, _____ stated that he or she was acting voluntarily, had read and understood the preceding document, and that the contents were true. _____ then signed the document in my presence.

Signed on _____, 20____.

(Notary Seal)

NOTICE OF GARNISHMENT AND EXEMPTIONS

NOTICE: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR. PLEASE READ THIS CAREFULLY.

1. If you are the defendant in this action, your rights may be affected. You should read this notice and take steps to protect your rights.

2. If you are not the defendant in this action, papers filed with the court indicate that you may have an interest in the defendant's property. Your rights may be affected, and you should read this notice and take steps to protect your rights.

3. The garnishee (someone who possesses your property) has been ordered to hold your property. This means that you cannot obtain the property and it may be used to pay a judgment creditor.

4. Certain property and money are exempt from execution (cannot be seized). The following is a partial list of exempt property and money, but these exemptions might not apply to judgments for alimony or child support:

(A) A motor vehicle used in trade or business up to the amount allowed by law.

(B) Tools of the trade up to the amount allowed by law.

(C) Certain furnishings, appliances, musical instruments, and heirlooms.

(D) Social Security benefits.

(E) Supplemental Security Income benefits (SSI).

(F) Veterans' benefits.

(G) Unemployment benefits.

(H) Workers' compensation benefits.

(I) Public assistance.

(J) Alimony or child support.

(K) Certain pensions.

(L) Part of your wages.

(M) Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.

5. There may be additional exemptions. You should consult the Utah Exemption Act, Utah Code Title 78, Chapter 23. (Available at: http://www.le.state.ut.us/~code/TITLE78/78_1E.htm). There is no exemption solely because you are having difficulty paying your debts.

6. If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, that the judgment creditor owes you money, or that you are entitled to an exemption, DO THE FOLLOWING IMMEDIATELY. You have a deadline of 10 business days from the date the garnishee mailed or delivered this notice to you.

(A) Complete the attached "Reply and Request for Hearing" form.

(B) Sign your name in the space provided and write the address at which the court clerk should notify you of the hearing.

(C) Mail or deliver the form to: the court clerk, the plaintiff, (or plaintiff's attorney) and the garnishee. Keep a copy for your records. The name and address of the clerk of the court, the plaintiff, (or plaintiff's attorney) and the garnishee are on the Writ of Garnishment.

7. The court clerk will schedule the matter for hearing and notify you. You should file with the Reply and Request for Hearing form or bring to the hearing any documents that help you prove your property is exempt.

8. If you fail to take these steps, the property being held may be used to pay a judgment creditor.

9. You may consult an attorney and have the attorney represent you at the hearing.

District	Justice Court of the State of Utah
	_____ Judicial District
	_____ County
	_____ City
Court Address:	_____

_____, Plaintiff, v. _____, Defendant.	Reply and Request for Hearing Case Number: _____ Judge: _____
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1. I have read the Notice of Garnishment and Exemptions form.

2. I request that this matter be scheduled for a hearing.

3. Funds in my account were garnished. Yes _____ No _____

If you answered yes, answer (A) through (E) if they apply.

(A) The Writ of Garnishment was issued improperly because:

(B) The Answers to Interrogatories are inaccurate because:

(C) All [or this part: \$ _____] of the funds in my account are exempt because they are:

Social security benefits.
Supplemental security income.
Veterans' benefits .

Unemployment benefits.
Workers' compensation benefits.
Public assistance.
Alimony or child support.
Pensions.
Wages or other earnings from personal services.
Owned by another person.
Other (Explain) _____.

(D) The judgment creditor owes me money because:

(E) I claim ownership of all or part of the money or property taken, and I am not one of the persons against whom a judgment was entered. (Explain)

4. My wages were garnished. Yes _____ No _____

If you answered yes, answer (A) through (D) if they apply.

(A) The writ of garnishment was issued improperly because:

(B) The answers to interrogatories are inaccurate because:

(C) All or part of my wages are exempt from garnishment because:

(D) The judgment creditor owes me money because:

5. My property was garnished. Yes _____ No _____

If you answered yes, answer (A) through (D) if they apply.

(A) The writ of garnishment was issued improperly because:

(B) The answers to interrogatories are inaccurate because:

(C) All or part of the property is exempt from garnishment because the property is:

A motor vehicle used in my trade or business

Tools of my trade

Furnishings, appliances, musical instruments, or heirlooms

Owned by another person

Only partly owned by me

Owned by me, but I am not the judgment debtor

Other (Explain) _____

(D) The judgment creditor owes me money because:

6. I have attached copies of the documents that support my claims. Yes _____ No _____

7. I served this Reply and Request for Hearing on the **plaintiff** (or plaintiff's attorney) by:

☐ first class mail

☐ by hand delivery

to (address)_____.

on (date)_____.

8. I have served a copy of this Reply and Request for Hearing on the **garnishee** by:

☐ first class mail

☐ by hand delivery

to (address)_____.

on (date)_____.

9. The statements made in this reply are true to the best of my information and belief.

Date: _____

Printed Name

Signature

Address:

Telephone No:_____